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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,)
8 Plaintiff,) CV-S-05-1154-PMP (PAL)
9 v.)
10 LARRY P. GOODYKE, individually and) O R D E R
11 doing business as Consultants by 5 and PC)
Computerz Tax Service,)
12 Defendant.)
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14 Before the Court for consideration is Defendant Larry P. Goodyke's Answer and
15 Claim and Affidavit of Corporate Denial and Motion to Dismiss (#5 and #6), filed October
16 18, 2005. By this filing, Defendant Goodyke in part seeks dismissal of this action pursuant
17 to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

18 Applying the standard mandated for consideration of motions to dismiss under
19 Rule 12(b)(6), and construing the allegations made by Plaintiff United States in its
20 Complaint in the light most favorable to the non-moving party, and for the reasons set forth
21 in the Opposition to Defendant's Motion to Dismiss (#7), filed October 25, 2005, and good
22 cause appearing,

23 IT IS ORDERED that Defendant Goodyke's Motion to Dismiss (#6) is denied.
24 DATED: December 1, 2005

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PHILIP M. PRO
Chief United States District Judge

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